

# COURT OF COMMON PLEAS OF LYCOMING COUNTY

## DOCKET



Docket Number: CP-41-CR-0001508-2018

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Kenneth Wayne Smith

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### CASE INFORMATION

Judge Assigned: Butts, Nancy L.      Date Filed: 10/04/2018      Initiation Date: 08/30/2018  
OTN: U 622902-0      LOTN:      Originating Docket No: MJ-29101-CR-0000365-2018  
Initial Issuing Authority: The Honorable Christian David Frey      Final Issuing Authority: The Honorable Christian David Frey  
Arresting Agency: Williamsport City Police Dept      Arresting Officer: Peacock, Trent R.  
Complaint/Citation No.: 18 07747      Incident Number:  
County: Lycoming      Township: Williamsport City  
Case Local Number Type(s):      Case Local Number(s):

### RELATED CASES

<u>Related Docket No</u>	<u>Related Case Caption</u>	<u>Related Court</u>	<u>Association Reason</u>
<b>Joined Codefendant Cases</b> CP-41-CR-0001509-2018	Comm. v. Heck, Edward	CP-29-41-Crim	Notice of Joinder Filed

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	09/28/2021	Completed	08/30/2018
	01/28/2020	Sentenced/Penalty Imposed	
	01/28/2020	Awaiting Sentencing	
	10/19/2018	Awaiting Formal Arraignment	
	10/04/2018	Awaiting Pre-Trial Conference	
	10/04/2018	Awaiting Filing of Information	

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### CALENDAR EVENTS

<u>Case Calendar</u> <u>Event Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Arraignments & ARDs	10/08/2018	8:30 am	Courtroom No. 4	Judge Marc F. Lovecchio	Continued
Arraignments & ARDs	10/22/2018	8:30 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Conference	11/02/2018	11:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Moved
Conference	11/28/2018	12:00 pm	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Conference	11/30/2018	3:00 pm	Courtroom No. 4	Judge Marc F. Lovecchio	Moved
Conference	12/05/2018	2:00 pm	Courtroom No. 4	Judge Marc F. Lovecchio	Moved
Motion to Extend Time	01/28/2019	1:30 pm	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Criminal Pre-Trials	04/02/2019	9:00 am			Scheduled
Omnibus Motion	04/12/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Omnibus Motion	05/30/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Omnibus Motion	05/31/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Criminal Pre-Trials	07/09/2019	9:00 am	Courtroom No. 1	Judge Nancy L. Butts	Continued
Omnibus Motion	09/11/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Omnibus Motion	09/12/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Omnibus Motion	09/13/2019	9:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Omnibus Motion	12/04/2019	10:00 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Criminal Pre-Trials	12/10/2019	9:00 am	Courtroom No. 1	Judge Nancy L. Butts	Scheduled
Pre-Trial Motion	12/11/2019	10:30 am	Courtroom No. 4	Judge Marc F. Lovecchio	Continued
Call of the List	01/14/2020	8:30 am	Courtroom No. 1	Judge Nancy L. Butts	Scheduled
Pre-Trial Motion	01/28/2020	9:30 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled
Guilty Plea	01/28/2020	9:30 am	Courtroom No. 4	Judge Marc F. Lovecchio	Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 07/26/1985      City/State/Zip: Nanty Glo, PA 15943

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Smith, Kenneth Wayne

### BAIL INFORMATION

Smith, Kenneth Wayne

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Originating Court</u>	<u>Percentage</u>	<u>Amount</u>
Denied	09/05/2018		Magisterial District Court		\$0.00

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
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### CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F1	<b>18 § 2501 §§ A</b>	Criminal Homicide	08/16/2018	U 622902-0
2	2	F1	<b>18 § 903</b>	Conspiracy - Criminal Homicide	08/16/2018	U 622902-0
3	3	F1	<b>18 § 2702 §§ A1</b>	Aggravated Assault	08/16/2018	U 622902-0
4	4	F3	<b>18 § 5534 §§ A2</b>	Aggravated Cruelty to Animals - Causing SBI or Death	08/16/2018	U 622902-0
5	5	F3	<b>18 § 5534 §§ A2</b>	Aggravated Cruelty to Animals - Causing SBI or Death	08/16/2018	U 622902-0

### DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			

**Held for Court (Lower Court)**

Defendant Was Present

Lower Court Disposition	Disposition Date	Final Disposition	
1 / Criminal Homicide	09/21/2018	Not Final	
2 / Conspiracy - Criminal Homicide	Held for Court (Lower Court)	F1	18 § 2501 §§ A
3 / Aggravated Assault	Held for Court (Lower Court)	F1	18 § 903
4 / Aggravated Cruelty to Animals - Causing SBI or Death	Held for Court (Lower Court)	F1	18 § 2702 §§ A1
5 / Aggravated Cruelty to Animals - Causing SBI or Death	Held for Court (Lower Court)	F3	18 § 5534 §§ A2
	Held for Court (Lower Court)	F3	18 § 5534 §§ A2

**Guilty Plea**

Guilty Plea	Disposition Date	Final Disposition	
1 / Criminal Homicide	01/28/2020	Final Disposition	
Lovecchio, Marc F.	Guilty Plea	F1	18 § 2501 §§ A
Confinement	01/28/2020		
	Life		
2 / Conspiracy - Criminal Homicide	Guilty Plea	F1	18 § 903
Lovecchio, Marc F.	01/28/2020		
Confinement	Min of 10.00 Years		
	Max of 20.00 Years		
	Other		
3 / Aggravated Assault	Guilty Plea	F1	18 § 2702 §§ A1
Lovecchio, Marc F.	01/28/2020		
Merged			
4 / Aggravated Cruelty to Animals - Causing SBI or Death	Guilty Plea	F3	18 § 5534 §§ A2

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### Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Lovecchio, Marc F. Confinement	01/28/2020 Min of 3.00 Years 6.00 Months Max of 7.00 Years Other		
5 / Aggravated Cruelty to Animals - Causing SBI or Death	Guilty Plea	F3	18 § 5534 §§ A2
Lovecchio, Marc F. Confinement	01/28/2020 Min of 3.00 Years 6.00 Months Max of 7.00 Years Other		

### LINKED SENTENCES:

#### Link 1

CP-41-CR-0001508-2018 - Seq. No. 5 (18 § 5534 §§ A2) - Confinement is Concurrent with  
CP-41-CR-0001508-2018 - Seq. No. 4 (18 § 5534 §§ A2) - Confinement is Concurrent with  
CP-41-CR-0001508-2018 - Seq. No. 2 (18 § 2501 §§ A) - Confinement

#### Link 2

CP-41-CR-0001508-2018 - Seq. No. 2 (18 § 2501 §§ A) - Confinement is Concurrent with  
CP-41-CR-0001508-2018 - Seq. No. 1 (18 § 2501 §§ A) - Confinement

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### COMMONWEALTH INFORMATION

Name: Martin Lewis Wade  
District Attorney  
Supreme Court No: 310587  
Phone Number(s): 570-327-2314 (Phone)  
Address:  
Lycoming County Courthouse  
48 W Third St  
Williamsport, PA 17701

Name: Kenneth A. Osokow  
Assistant District Attorney  
Supreme Court No: 022554  
Phone Number(s): 570-327-2456 (Phone)  
Address:  
Lycoming Co Da's Office  
48 W 3RD St  
Williamsport, PA 17701-6569

### ATTORNEY INFORMATION

Name: Nicole J. Spring  
Public Defender  
Supreme Court No: 072916  
Rep. Status: Active  
Phone Number(s): 570-327-2367 (Phone)  
Address:  
Lycoming Co Pd'Office  
48 W 3RD St  
Williamsport, PA 17701-6536  
Representing: Smith, Kenneth Wayne

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/05/2018		Lepley, Jerry C.
Order Denying Motion to Set Bail - Smith, Kenneth Wayne			
1	10/04/2018		Court of Common Pleas - Lycoming County
Original Papers Received from Lower Court			
3	10/04/2018		MDJ-29-1-01
Transcript from Lower Court			
4	10/04/2018		MDJ-29-1-01
Affidavit of Probable Cause			
5	10/04/2018		MDJ-29-1-01
Criminal Complaint			
6	10/04/2018		MDJ-29-1-01
Case Scheduling Form			
7	10/04/2018		Miele, William Joseph
Appearance and Waiver of Arraignment			

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### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
8	10/04/2018		Commonwealth Court of Pennsylvania
Notice of Joinder			
1	10/08/2018		Anderson, Dudley N.
Order Granting Motion for Continuance			
2	10/08/2018		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	10/19/2018		Commonwealth of Pennsylvania
Information Filed			
2	10/19/2018		Commonwealth of Pennsylvania
Notice of Aggravating Circumstances			
1	10/25/2018		Miele, William Joseph Spring, Nicole J.
Entry of Appearance			
2	10/25/2018		Miele, William Joseph Smith, Kenneth Wayne
Informal Request for Pre-Trial Discovery and Inspection			
1	10/29/2018		Lovecchio, Marc F.
Order RE: Mitigation Specialist access to Lycoming Co. Prison			
2	10/29/2018		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	11/21/2018		Lovecchio, Marc F.
Stipulated Order Granting Omnibus Pre-Trial Motion Extension of Time			
2	11/21/2018		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	12/11/2018		Miele, William Joseph
Motion for Visitation at the Lycoming County Prison			

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1	12/14/2018		Lovecchio, Marc F.
Order Granting Motion for Visitation at LCP			
2	12/14/2018		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	01/15/2019		Spring, Nicole J.
Motion for Extension of Time to File Omnibus Pretrial Motion			
1	01/25/2019		Lovecchio, Marc F.
Order Scheduling Hearing			
2	01/25/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
3	01/25/2019		Lovecchio, Marc F.
Court Ordered - Listed for Pretrial			
4	01/25/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	01/30/2019		Fedele, Suzanne
Subpoena Duces Tecum			
1	02/06/2019		Lovecchio, Marc F.
Order Granting Motion for Extension of Time to File Omnibus Pre-Trial Motion			
2	02/06/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	02/25/2019		Lovecchio, Marc F.
Order Granting Motion for Extension of Time to File Omnibus Pre-Trial Motion			
2	02/25/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	03/18/2019		Lovecchio, Marc F.
Order Granting Motion for Furlough			

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2	03/18/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	03/28/2019		Spring, Nicole J.
Omnibus Pre-Trial Motion			
2	04/03/2019		Fedele, Suzanne
Order Scheduling Hearing			
3	04/03/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
4	04/03/2019		Fedele, Suzanne
Subpoena			
1	04/11/2019		Osokow, Kenneth A.
Subpoena Duces Tecum			
2	04/11/2019		Butts, Nancy L.
Order Directing Documents to be Sealed			
1	04/17/2019		Lovecchio, Marc F.
Order RE: Pretrial Motions			
2	04/17/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	04/23/2019		Lovecchio, Marc F.
Order RE: Evaluation			
2	04/23/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	07/11/2019		Lovecchio, Marc F.
Order RE: Parental Visitation			
2	07/11/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/16/2019		Butts, Nancy L.
Order Granting Motion for Continuance			
2	07/16/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	07/26/2019		Butts, Nancy L.
Court Ordered - Listed for Pretrial			
2	07/26/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	08/27/2019		Miele, William Joseph
Entry of Appearance			
1	09/19/2019		Lovecchio, Marc F.
Transcript of Proceedings Filed			
2	09/19/2019		Lovecchio, Marc F.
Stipulated Order Granting Motion to Preserve Evidence for Experts			
3	09/19/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
1	09/20/2019		Lovecchio, Marc F.
Transcript of Proceedings of May 31, 2019 Filed.			
2	09/20/2019		Lovecchio, Marc F.
Transcript of Proceedings on September 11, 2019 Filed.			
1	11/07/2019		Lovecchio, Marc F.
Transcript of Proceedings Held on September 13, 2019			
2	11/07/2019		Lovecchio, Marc F.
Transcript of Proceedings Held on September 12, 2019			
3	11/18/2019		Lovecchio, Marc F.
Order Granting Motion for Continuance			

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4	11/18/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
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1	12/12/2019		Lovecchio, Marc F.
Amended Pretrial Motion Order			
-----			
2	12/12/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
-----			
3	12/12/2019		Lovecchio, Marc F.
Order Granting Motion for Continuance			
-----			
4	12/12/2019		Fedele, Suzanne
Notice Under PRCP 576 Filed			
-----			
1	01/28/2020		Smith, Kenneth Wayne
Written Guilty Plea Colloquy			
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2	01/28/2020		Lovecchio, Marc F.
Guilty Plea			
-----			
3	01/28/2020		Lovecchio, Marc F.
Order - Sentence/Penalty Imposed			
-----			
4	01/28/2020		Heap, Thomas D.
Notice Under PRCP 576 Filed			
-----			
5	01/28/2020		Lovecchio, Marc F.
Memorandum of Order			
-----			
6	01/28/2020		Heap, Thomas D.
Notice Under PRCP 576 Filed			
-----			
1	01/30/2020		Lovecchio, Marc F.
Transcript of Proceedings Held on December 4, 2019			
-----			
1	02/03/2020		Lovecchio, Marc F.
Transcript of Proceedings Held January 28, 2020			
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1	02/05/2020		Court of Common Pleas - Lycoming County
Court Commitment State or County Correctional Institution			
1	02/11/2020		Court of Common Pleas - Lycoming County
Penalty Assessed			
2	02/11/2020		Heap, Thomas D.
Entry of Civil Judgment			
1	02/12/2020		Court of Common Pleas - Lycoming County
Sheriff's Return Filed			
1	09/28/2021		Butts, Nancy L.
Case Abated - Defendant Deceased			
Spring, Nicole J.			
09/29/2021	eService		Served
Wade, Martin Lewis			
09/29/2021	eService		Served
2	09/28/2021		Court of Common Pleas - Lycoming County
Penalty Satisfied			
1	10/05/2021		Heap, Thomas D.
Praecipe to Satisfy Civil Judgment - Cost&Fines			
Spring, Nicole J.			
10/05/2021	eService		Served
Wade, Martin Lewis			
10/05/2021	eService		Served

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### CASE FINANCIAL INFORMATION

Last Payment Date: 06/24/2021

Total of Last Payment: -\$12.38

Smith, Kenneth Wayne Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
<b>Costs/Fees</b>					
Miscellaneous Issuances	\$18.00	\$0.00	(\$18.00)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$23.10	\$0.00	(\$23.10)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$19.00	\$0.00	(\$19.00)	\$0.00	\$0.00
Crime Lab User Fee - State Police	\$277.00	\$0.00	(\$277.00)	\$0.00	\$0.00
Crime Lab User Fee - State Police	\$8,425.00	\$0.00	(\$8,425.00)	\$0.00	\$0.00
Crime Lab User Fee - State Police	\$92.00	\$0.00	(\$92.00)	\$0.00	\$0.00
Crime Lab User Fee - State Police	\$3,221.00	\$0.00	(\$3,221.00)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$84.55	\$0.00	(\$84.55)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$50.05	\$0.00	(\$50.05)	\$0.00	\$0.00
ATJ	\$6.00	\$0.00	(\$6.00)	\$0.00	\$0.00
Booking Center Fee (Lycoming)	\$300.00	\$0.00	(\$300.00)	\$0.00	\$0.00
CJES	\$2.50	\$0.00	(\$2.50)	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$21.10	\$0.00	(\$21.10)	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	\$0.00	(\$50.00)	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$30.80	\$0.00	(\$30.80)	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	\$0.00	(\$250.00)	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	\$0.00	(\$10.00)	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	\$0.00	(\$5.00)	\$0.00	\$0.00
JCPS	\$21.25	\$0.00	(\$21.25)	\$0.00	\$0.00
Judicial Computer Project	\$8.00	\$0.00	(\$8.00)	\$0.00	\$0.00
OAG - JCP	\$2.50	\$0.00	(\$2.50)	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$14.10	\$0.00	(\$14.10)	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Clerk of Courts (7) (Lycoming)	\$149.75	\$0.00	(\$149.75)	\$0.00	\$0.00
Automation Fund (Lycoming)	\$5.00	\$0.00	(\$5.00)	\$0.00	\$0.00
Judgment (Lycoming)	\$25.75	\$0.00	(\$25.75)	\$0.00	\$0.00
Satisfaction (Lycoming)	\$14.75	\$0.00	(\$14.75)	\$0.00	\$0.00
Sheriff (9-83) (Lycoming)	\$9.00	\$0.00	(\$9.00)	\$0.00	\$0.00
Sheriff Transportation (Lycoming)	\$104.65	\$0.00	(\$104.65)	\$0.00	\$0.00

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<b>Smith, Kenneth Wayne</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
Variable Amount to be Distributed CVC/VWS (Act 96)	\$4,221.70	\$0.00	(\$4,221.70)	\$0.00	\$0.00
Variable Amount to be Distributed CVC/VWS (Act 96)	\$1,809.30	(\$666.87)	(\$1,142.43)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$140.80	\$0.00	(\$140.80)	\$0.00	\$0.00
DA Process Fee (Lycoming)	\$120.65	\$0.00	(\$120.65)	\$0.00	\$0.00
Costs/Fees Totals:	\$19,592.30	(\$726.87)	(\$18,865.43)	\$0.00	\$0.00
Grand Totals:	\$19,592.30	(\$726.87)	(\$18,865.43)	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated